IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NOS : 2479, 3352,4025 AND 4795 of 1995

W.P.No. 2479 of 1995:

Between:

1 P. Johar S/o P. Ramakrishnaiah R/o 20-3-18/35,

Satyanarayanapuram, Sivajyothi Nagar, Tirupathi, Chittoor District.
2 K. Subramanyam S/o K. Sreenivasulu, R/o E.Type, No.2,47,

Tirumala, Chittoor District.
3 C. Chandrasekhar S/o Narasimhulu R/o E.Type,38, Tirumala,
Chittoor District.
4 P. Munisekhar S/o P. Chengalrayulu R/o Ganurivari Kandriga

Village, Sitaramapuram Post, Vadamalpet Mandal, Chittoor District.
5 N. Dwarakanath S/o N. Chinna Reddeppa R/o Kummanapalli

Village, Thippireddigaripalli Post, Chinnagothigallu Mandal, Chittoor

District.
6 S. Rajendra S/o S. Gurappa, Gentagananki Village, Mittagadanku

Post, Pakala Mandal, Chittoor District.
7 L. Bhaskar S/o Lingaiah Naidu C/o 1-5-599/G/3, Balaji Colony,
Tirupathi.
8 J. Hari S/o J.Narasimha Reddy R/o TPM Road, No.9/11D,

Tirumala, Chittoor District.
9 M.G.Subramanyam S/o M. Gangaiah R/o Balaji Nagar, No.819,
Tirumala, Chittoor District.
10 N. Nadamuni S/o N.Ramakrishna Reddy H.No.142, Tirumala,
Chittoor District.
11 M. Lepakshi S/o M.Narasimhulu R/o E Type No.142, Tirumala,
Chittoor District.
12 S. Ravi S/o S. Narasimhulu Naidu R/o E Type No.11, Tirumala,
Chittoor District.

13 K. Venkateswarlu S/o K. Gangaiah R/o E Type No.21, Tirumala, Chittoor District.

..... PETITIONERS

AND

The Executive Officer, Tirumala Tirupathi Devasthanams Tirupathi.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, particularly in the nature of Writ of Mandamus, declaring the inaction of the respondent in absorbing the petitioners into TTD Service and authorising them regular scale of pay in terms of G.O.Ms.No. 391, Revenue (Endowments III) Department, dated 6-5-1991 as arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondent to absorb the petitioners into TTD Service on regular basis with retrospective effect from 1-8-1991 in terms of G.O.Ms.No.391 dated 6-5-1991 with all consequential benefits.

Counsel for the Petitioners:MR.V.JAGAPATHI

Counsel for the Respondent:MR.G.JAGADEESWAR(SC FOR T.T.D)

WRIT PETITION NO : 3352 of 1995

Between:

1 V. Jayachandra Naidu S/o Gurudeppa Naidu, Tirumala, Chittoor

District.

2 C. Bhaskar Reddy S/o Krishna Reddy. Tirumala, Chittoor District.

3 C. Sreenivasulu S/o Ramachandra Reddy
Tirumala, Chittoor District.

4 M. Adikesavulu S/o Changalrayulu
Tirumala, Chittoor District.

5 S. Ashok Kumar S/o Munaswamy
Tirumala, Chittoor District.

6 Suseela S/o Munikrishna Reddy
Tirumala, Chittoor District.

7 K. Janardhan S/o K.P.Reddy
Tirumala, Chittoor District.

8 M. Chandra Mouli S/o Venkata Ramana
Tirumala, Chittoor District.

9 K. Chandrasekhar Reddy S/o Narayana Reddy
Tirumala, Chittoor District.

10 P. Chandra Reddy S/o Narayana Reddy
Tirumala, Chittoor District.

11 B. Bhaskar Reddy S/o Krishna Reddy
Tirumala, Chittoor District.

12 B. Ramakrishna Reddy S/o Narasi Reddy

Tirumala, Chittoor District.

13 E. Mohan Reddy S/o Subramanyam
Tirumala, Chittoor District.

14 K. Nadamuni Reddy S/o Venkata Reddy
Tirumala, Chittoor District.

15 A. Sankar Reddy S/o Krishna Reddy
Tirumala, Chittoor District.

16 P. Muni Reddy S/o Rami Reddy
Tirumala, Chittoor District.

17 D. Venkata Subba Reddy S/o Raja Reddy
Tirumala, Chittoor District.

18 P. Lokanath S/o Munikrishna Reddy
Tirumala, Chittoor District.

19 Lakshmipatti @ Lakshman Reddy S/o Chenga Reddy
Tirumala, Chittoor District.

20 K. Ramu S/o Narayana Swamy
Tirumala, Chittoor District.

21 M. Varalakshmi S/o Chandra Babu
Tirumala, Chittoor District.

22 G. Swarnalatha S/o Subramanyam Reddy
Tirumala, Chittoor District.

23 A. Lakshmi S/o Venkataramana
Tirumala, Chittoor District.

24 M. Venkat Lakshmi S/o Siddaiah
Tirumala, Chittoor District.

25 K. Sreenivasulu S/o Subbaramaiah
Tirumala, Chittoor District.

..... PETITIONERS

AND

The Executive Officer, Tirumala Tirupathi Devasthanams
Tirupathi.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly in the nature of Writ of Mandamus, declaring the inaction of the respondent in re-appointing the petitioners in TTD Services and considering them for absorption as arbitrary, discriminatory and violative of Articles 14 and 16 of the constitution of India and consequently direct the respondent to re-appoint the petitioners into TTD Services and absorb them in regular establishment as per G.O.Ms.No.390 and 391 both dated 6-5-1991 with all consequential benefits by holding that discontinuing the petitioners from service is bad in law.

Counsel for the Petitioners:MR.V.JAGAPATHI

Counsel for the Respondent No.: MR.G.JAGADEESWAR (SC FOR TTD)

WRIT PETITION NO : 4025 of 1995

Between:

J. Madhusudhana S/o Allaiah
R/o Vinayaka Nagar, Tirupathi,
Chittoor District.

..... PETITIONER

AND

The Executive Officer, Tirumala Tirupathi Devasthanams
Tirupathi.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly in the nature of Writ of Mandamus, declaring the inaction of the respondent in re-appointing the Petitioner in TTD Service and considering him for absorption in terms of G.O.Ms.No.391 Revenue (Endowments-III) Department dated 6-5-1991 as arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondent to re-appoint the petitioner into TTD Service and absorb him in regular establishment as per G.O.Ms.No.391 Revenue (Endowments III) Department, dated 6-5-1991 with all consequential benefits by holding that terminating the Petitioner from service is bad in law.

Counsel for the Petitioner:MR.V.JAGAPATHI

Counsel for the Respondent No.: MR.G.JAGADEESWAR (SC FOR TTD)

WRIT PETITION NO : 4795 of 1995

Between:

1 S. Muni Yugandhar Babu S/o S. Muni Ratnam
R/o D.No.5-5-328, Reservoir Road,
Tirupathi.

2 K. Muni Tirumala Setti S/o K. Venkata Muni Setti
R/o R.Mallavaram Post, Kummarapalli,
Renigunta Mandal, Chittoor District.

3 V. Surendra S/o V.R. Subrahmanyam Reddy
D.No.2, 3rd Choultri Quarters, Near Seetaram Kalyana Mandapam,
Tirupathi

4 G. Ramana Reddy S/o Prasada Reddy
R/o 4-1-148, Nehrunagar,
Behind Jyothi Talkies, Tirupathi.

5 P. Suryababu S/o Chengal Rayudu
Tovachenavaripalli Village, Panapakam Post,
Chandrigiri Mandal, Chittoor District.

..... PETITIONERS

AND

The Executive Officer, Tirumala Tirupathi Devasthanam
Tirupathi, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly in the nature of Writ of Mandamus, declaring the in action of the respondent in absorbing the petitioners into TTD service and authorising them regular scale of pay in terms of G.O.Ms.No.391 , Revenue (Endowments-III) Department dt.6-5-1991 as arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and consequently direct the respondent to absorb the petitioner into TTD service on regular basis with retrospective effect from the date of their initial appointment in terms of G.O.391 dt.6-5-91.

Counsel for the Petitioners:MR.A.KRISHNA MURTHY

Counsel for the Respondent No.: MR.G.JAGADEESWAR (SC FOR TTD)

The Court made the following :

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COMMON ORDER:

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Since the question that arises for consideration in all these writ petitions is one and

the same, they are being disposed of by a common order.

Since the facts in all these writ petitions are similar, the brief facts in W.P.No.4795 of 1995 alone are being referred to.

The petitioners were employed in Tirumala Tirupathi Devasthanam (for short 'TTD') as paid volunteers and appointed in Sri Venkateswara Canteen Complex, during 1987, and also in other wings of the TTD services. It is their case that their services were discontinued in 1988 even though their juniors were continued in service. They contend that their discontinuation from service is in clear violation of the principle of 'First come last go' as provided under the Industrial Disputes Act. The petitioners filed writ petitions before this Court, wherein interim orders were passed directing the respondent-TTD to consider the matter. The respondent considered the matter and issued instructions vide circular dated 25-7-1990 for reinstatement of the discontinued employees as and when vacancies arise in TTD service. The petitioners were however not reinstated into service. It is their case that as there was a ban on recruitment, the Government of Andhra Pradesh, as a special case, accorded permission to the respondent to recruit persons on daily wage basis into TTD service according to necessity. Subsequently, the Government of Andhra Pradesh had issued G.O.Ms.No.391 dated 6-5-1991 according permission to the respondent to absorb the services of all the persons recruited on voluntary basis during the period from 1-4-1984 to 31-3-1988. Thereafter, the petitioners made several representations to the respondent to absorb them in TTD service in terms of G.O.Ms.No.391 dated 6-5-1991, but the respondent did not consider their representations. Questioning the inaction of the respondent, they filed these writ petitions.

In the counter-affidavit filed by the respondent, it is stated that employees of the Tirumala Tirupati Devasthanam are governed by the statutory rules notified in G.O.Ms.No.1060 dated 24-10-1989, and that recruitment and all other service conditions of employees are provided for in the said rules. It is the case of the respondent that the petitioners herein were permitted to render their services voluntarily during Brahmotchavams or on other important days and during summer vacations when the influx of pilgrims was heavy and they were not paid any amount as they were serving voluntarily. Initially scouts, guides, rovers and others

participated as volunteers and no one had continuously rendered such services. Thereafter, persons, who were rendering such voluntary service were given Rs.10/- per day as pocket expenses and subsequently, it was raised to Rs.15/-per day from 1-8-1988 to 4-7-1990. As their services were voluntary, the respondent had no control over them as in the case of regular employees. It is also stated that there is no category of posts of volunteers provided under service rules of the TTD. Pursuant to the directions of this Court, a list was prepared showing the names of all the persons, who rendered such service for a few days and stopped or were continuously rendering such service. It is further stated that persons, who are seeking regularization of services in the TTD were regularized under G.O.Ms.No.296 dated 19-4-1988, G.O.Ms.No.390 dated 6-5-1991 and G.O.Ms.No.391 dated 6-5-1991. For being entitled for regularization, volunteers, unit workers and guides covered by resolution No.601 dated 25-10-1990 or memo dated 25-7-1990, must have been working by the date of enforcement of the said Government orders and they must have worked during the relevant period covered under the said G.Os. None of the writ petitioners have fulfilled the requirements of the said G.Os or the circular memo. It is categorically stated that none of the petitioners have rendered voluntary service when G.O.Ms.No.391 dated 6-5-1991 was issued and none of them worked for 240 days. It is stated that Act 2 of 1994 is applicable to TTD and under Rule 4 of the Service Rules of TTD Employees, the petitioners herein are not entitled for absorption. It is clear from the averments in the counter-affidavit that the mode and manner of recruitment into the services of the TTD is covered by statutory rules and inasmuch as there is no post of volunteers in the said statutory rules, the petitioners are not entitled to seek absorption into the said posts. The conditions stipulated in the above said Government Orders and the circular instructions do not specify that the petitioners are entitled to seek absorption into the services of the TTD.

These writ petitions are of the year 1995. This Court initially granted interim orders in all these writ petitions to consider the representations of the petitioners and the same were considered by the TTD. Inasmuch as the petitioners did not fulfill the conditions stipulated in the Government orders issued for regularization of services of NMRs/daily wage workers, their request for absorption of their services in the TTD was rejected. In the absence of the petitioners fulfilling the requirements under the above referred G.Os, and since the petitioners do not satisfy the requirements prescribed under the statutory rules for being recruited into the services of the TTD,

they are not entitled to the relief sought for in the writ petition.

The Learned counsel for the petitioners seek liberty to now approach the Labour Court to adduce evidence that the petitioners had worked for more than 240 days and that termination of their services is in violation of Section 25-F of the Industrial Disputes Act. Needless to state that since these writ petitions had been admitted in the year 1995, these matters are pending on the file of this Court for more than ten years after having been admitted, dismissal of writ petitions on the ground of existence of an alternative remedy does not arise.

The writ petitions are accordingly dismissed. No order as to costs.

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RAMESH RANGANATHAN, J

Dated:17-06-2005

sj

To

1. The Executive Officer, Tirumala Tirupathi Devasthanam
   Tirupathi, Chittoor District.

2. Two C.D. copies.